

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ERIC DIAZ,	:	
Petitioner	:	
	:	No. 1:21-cv-1085
v.	:	
	:	(Judge Rambo)
GREGORY BRIGGS, <i>et al.</i>,	:	
Respondent	:	

ORDER

AND NOW, on this 5th day of October 2022, for the reasons set forth in the accompanying memorandum, **IT IS ORDERED THAT:**

1. Petitioner's motion for reconsideration (Doc. No. 32) is **GRANTED IN PART AND DENIED IN PART**;
2. The court's August 24, 2022 memorandum and order (Doc. Nos. 28-29) denying petitioner's petition for writ of habeas corpus are **VACATED**;
3. The petition for writ of habeas corpus (Doc. No. 1) is **DISMISSED WITHOUT PREJUDICE** for failure to exhaust state court remedies;
4. A certificate of appealability shall not issue; and
5. This case shall remain closed.

s/ Sylvia H. Rambo
United States District Judge